

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

Formal Matters

Claims 1-21 are currently pending in the application. Claims 1, 14 and 21 are amended to include the feature that the portable terminal can operate equipment remotely. Support for this amendment can be found in the specification on page 18, lines 16-19. Claims 10-12 and 19 are amended to change "sterilising" to "sterilizing", and claim 2 is amended to correct a minor error.

Rejection of Claims Under 35 U.S.C. §102

Claims 1, 3, 4, 6, 7, 9, 13, 14, 16-18 and 20-21 are rejected under 35 U.S.C. §102(e), as anticipated by Cole et al., U.S. Patent Application Publication No. 2003/0078810 A1 (hereinafter "Cole"). This rejection should be withdrawn based on the comments and remarks herein.

Among the problems recognized and solved by Applicant's claimed invention is the need for a work support system whereby the movements of nurses can be more efficient. Applicant's inventive solution includes the feature that the functions of the portable terminal are added to a known medical information management system, and the portable terminal can remotely operate equipment in a medical work area.

Cole discloses a location management information system accessed by remote PC and associated user interface (paragraph [0020]), and Cole's system supports a user in organizing the locations into a hierarchy, representing their physical structure (paragraph [0016]). Cole does not disclose or suggest remotely operating equipment or portable terminals carried by nurses who can remotely operate equipment using the portable terminals. Hence, Cole does not disclose or

suggest a portable terminal section or means for remotely operating equipment, or a step of remotely operating equipment on a portable terminal section as recited in independent claims 1, 14 and 21.

It has been held by the courts that “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As illustrated above, Cole does not disclose a portable terminal section or means for remotely operating equipment, or a step of remotely operating equipment on a portable terminal section, so that Cole does not disclose every feature of the invention as recited in independent claims 1, 14 and 21. Consequently, these claims are not anticipated by the art of record in the application. Claims 3, 4, 6, 7, 9 and 14 depend from claim 1, and claims 16-18 and 20 depend from claim 14, each dependent claim incorporating all of the features of its base claim. Thus, these dependent claims are not anticipated by the art of record in the application for at least the reasons that their base claims are not anticipated by the art of record in the application. Accordingly, this rejection should be withdrawn.

Rejection of Claims Under 35 U.S.C. §103

Claims 2, 5, 8, and 15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cole in view of Kuno, U.S. Patent No. 5,802,494. Claims 10-12 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cole in view of Hehenberger et al., U.S. Patent Application Publication No. 2003/0083902 A1 (hereinafter “Hehenberger”). These rejections should be withdrawn based on the comments and remarks herein.

As discussed above, Cole does not disclose or suggest a portable terminal section for


remotely operating equipment, or a step of remotely operating equipment on a portable terminal section. Neither Kuno nor Hehenberger overcome this deficiency, and the Examiner does not state otherwise. Kuno discloses a monitoring system for observing a patient only when necessary and proper, that is, when a patient agrees to be monitored (column 1, lines 49-53). Hehenberger discloses an automated system for management of information and distribution of materials associated with sterilization procedures (paragraph [0006]). Neither Kuno nor Hehenberger disclose or suggest a portable terminal, or a portable terminal that can remotely operate equipment. Accordingly, the hypothetical combination of Cole and/or Kuno and/or Hehenberger does not disclose or suggest a portable terminal section for remotely operating equipment, or a step of remotely operating equipment on a portable terminal section, and does not disclose or suggest each feature of independent claims 1 and 14.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Cole and Kuno and/or Hehenberger does not disclose or suggest a portable terminal remotely operating equipment, and does not teach or suggest each and every feature of the present invention as recited in independent claims 1 and 14. Thus *prima facie* obviousness has not been established, so that these claims are distinguishable over the art of record in the application. Claims 2, 5, 8, and 10-12 depend from claim 1, and claims 15 and 19 depend from claim 14, so that these dependent claims are patentable over the art of record for at least the reasons that their base claims are patentable over the art of record in the application. Thus, withdrawal of this rejection is earnestly requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,


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